

REMARKS

In the Restriction Requirement mailed March 19, 2009, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-5, 8-15, 28-29, 31-42 and 45-52, drawn to publishing information regarding a financial instrument, receiving offers from bidders to transact the financial instrument as offered interest rates, determining whether at least one of the offers satisfies transaction criteria, the bid receiving process being a declining auction, reducing the published interest rate is automatically done in response to lack of bidding activity, and accepting an offer, classified in class 705, subclass 37.
- II. Claims 16-21 and 53-58, drawn to setting an interest rate and maximum interest rate for an interest-paying item, publishing the item, initialing a declining auction, terminating the auction based on a predetermined time that is modified based on selling price, determining whether one or more bids have been received at an interest rate lower than the maximum interest rate, and selecting the lowest interest rate bid as a winning bid, classified in class 35, subclass 37.
- III. Claims 22-27 and 59-64, drawn to setting an interest rate and a minimum interest rate for an interest receiving item, publishing the item for sale, initiation an ascending auction to publish the item for sale at ascending interest rates, upon termination determining whether one or more bids have been received at an interest rate higher than the minimum interest rate set, selecting a highest interest rate bid as a winning bid, classified in class 705, subclass 37.

Applicants elect, without traverse, Group I, claims 1-5, 8-15, 28-29, 31-42 and 45-52. Applicants respectfully cancel claims 16-27 and 53-64 (Groups II and III) without prejudice or disclaimer, and reserves the right to reintroduce them in one or more Divisional applications at a later date.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (408) 278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 04/15/09 By / [Signature] /
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16th day of April, 2009.

Chris Bartl
Name _____ Signature / [Signature] /